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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

B4

[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: JUN 01 2005

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Multinational Executive or Manager Pursuant to Section 203(b)(1)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(C)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The Director, California Service Center, initially approved the employment-based petition. Upon subsequent review, the director properly issued a notice of intent to revoke and ultimately revoked the petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a corporation organized in the State of California in August 1988. It claims it imports and exports general merchandise. It seeks to employ the beneficiary as its vice-president of sales. Accordingly, the petitioner endeavors to classify the beneficiary as an employment-based immigrant pursuant to section 203(b)(1)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(C), as a multinational executive or manager.

On December 22, 2002, the director notified the petitioner of his intention to revoke approval of the petition. The director determined that the petitioner had not submitted sufficient evidence to establish that: (1) the beneficiary would be employed in a managerial or executive capacity for the United States entity; (2) a qualifying relationship between the petitioner and the beneficiary's foreign employer; (3) its ability to pay the beneficiary the proffered wage; or, (4) it was regularly, systematically, and continuously conducting business in the United States. The petitioner did not provide a rebuttal to the director's notice of intention to revoke. The director revoked approval of the petition on September 22, 2004.

The regulation at 8 C.F.R. §103.3(a)(1)(v) states, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, filed on October 8, 2004, counsel for the petitioner indicates that a brief and/or evidence would be submitted within 30 days from October 12, 2004. Although counsel indicates that a brief would be submitted within 30 days from the date of October 12, 2004, counsel did not indicate why the brief would be submitted late or otherwise provide good cause for the requested extension. As of this date, the record does not contain a supplemental appellate brief or evidence. Regardless, pursuant to 8 CFR 103.3(a)(2)(vii), counsel's request for additional time to submit a brief is denied as a matter of discretion for failure to show good cause.

The petitioner does not identify an erroneous conclusion of law or a statement of fact in the director's decision as a basis for the appeal; thus, the regulations mandate the summary dismissal of the appeal.

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.